

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KEITH CARTER,)	
)	
Plaintiff,)	
)	08 C 870
v.)	
)	
CITY OF CHICAGO,)	
a municipal corporation,)	
OFFICER JERRY DOSKOCZ, Star # 6573,)	Judge Gottschall
a City of Chicago Police Officer,)	
in his individual capacity,)	Magistrate Judge Ashman
OFFICER KENNETH FLAHERTY, Star # 13584,)	
a City of Chicago Police Officer,)	
in his individual capacity,)	
OFFICER MICHAEL BILINA, Star # 3707,)	
a City of Chicago Police Officer,)	
in his individual capacity,)	
)	
Defendant.)	

DEFENDANTS' AGREED MOTION TO FILE THEIR ANSWER INSTANTER

Defendants the City of Chicago, and Police Officers Kenneth Flaherty, Michael Bilina, and Jerry Daskocz ("Defendants"), by one of their attorneys, David Selmer, Assistant Corporation Counsel for the City of Chicago, in agreement with Plaintiff, respectfully requests this Honorable Court to allow Defendants to file their answer instanter. In support of this motion, Defendants state:

1. This matter was filed on February 14, 2008.

2. The Defendant Officers were served March 11, 2008.¹ According to the Federal Rules of Civil Procedure, their Answer or other responsive pleading was due on or about March 31, 2008.
3. The undersigned received notification of the case and that the Defendant Officers had been served and filed an appearance on their behalf on March 25, 2008.
4. The undersigned was only able to discuss the allegations contained in Plaintiff's Complaint with the Defendant Officers in order to adequately answer or otherwise plead in this matter on their respective behalf by April 8, 2008.
5. The undersigned contacted Plaintiff's counsel on March 25, 2008, and obtained his agreement to file this motion after the time for Defendants' Answer was due.
6. The Answer to Plaintiff's Complaint is completed and ready for filing, and is attached hereto as Exhibit A.
7. The granting of this motion will not cause unnecessary delay as the initial status is scheduled for April 16, 2008, and Defendants have already produced 26(a) disclosures and served written discovery requests on Plaintiff.

WHEREFORE, Defendants respectfully request that they be allowed to file their Answer to Plaintiff's Complaint instanter.

Respectfully submitted,

/s/ David Selmer
DAVID N. SELMER
Assistant Corporation Counsel

30 N. LaSalle Street, Suite 1400
Chicago, Illinois 60602
(312) 744-6905
(312) 744-6566 (Fax)
Atty. No. 6283972

¹Summons was returned as executed by the Office of Legal Affairs ("OLA"), on February 13, 2008, but this is not when the officers were served. The Office of Legal Affairs is the branch of the Chicago Police Department that handles receipt of Summonses and Complaints for Chicago Police Officers, notifies officers to come to Police Department Headquarters at 3510 N. Michigan to be served, and then thereafter sends any acknowledgment of service to the Corporation Counsel's Office of the City of Chicago Department of Law. This Court ordered Defendant Officers to Answer Plaintiff's Complaint twenty days after summons was returned, or March 4, 2008, not twenty days after service on the officers was made, which was the later date of March 31, 2008.

CERTIFICATE OF SERVICE

I, David Selmer, hereby certify that I have caused a true and correct copy of the above and foregoing **NOTICE OF MOTION** and **DEFENDANTS' AGREED MOTION TO FILE THEIR ANSWER INSTANTER**, to be sent via e-filing to the person named in the foregoing Notice, a "Filing User" pursuant to Case Management/Electronic Case Files, on April 8, 2008, in accordance with the rules on electronic filing of documents.

/s/ David Selmer
DAVID SELMER
Assistant Corporation Counsel